

WEDNESDAY, MARCH 18, 1998
SEVENTY-FIFTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Gary Sears, Mt. Olive Church of God, Cleveland, Tennessee.

Representative Bird led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 93

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Fraley; death in family

Representative Turner(Hamilton); death in family

Representative Garrett; personal reasons

Representative Walker(Rhea); business reasons

Representative Whitson; personal reasons

RECOGNITION IN THE WELL

Rep. Cole(Dyer) was recognized in the Well to introduce the 1998 Phi Beta Kappa Tennessee Academic Team.

RULES SUSPENDED

Rep. Cole(Dyer) moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 610 out of order, which motion prevailed.

House Joint Resolution No. 610 -- Memorials, Academic Achievement - Phi Theta Kappa All-Tennessee Academic Team. by *Cole (Dyer).

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Cole(Dyer), with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

RECOGNITION IN THE WELL

Rep. Maddox was recognized in the Well to introduce Susie Sims, Ms. Senior Tennessee.

RULES SUSPENDED

Rep. Maddox moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 574 out of order, which motion prevailed.

House Joint Resolution No. 574 -- Memorials, Personal Achievement - Susie Sims, Ms. Senior Tennessee. by *Maddox.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Maddox, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 600: Rep(s). Scroggs as prime sponsor(s).

House Joint Resolution No. 611: Rep(s). McAfee, Wood, Brown and Sharp as prime sponsor(s).

House Joint Resolution No. 612: Rep(s). McAfee, Brown, Wood and Sharp as prime sponsor(s).

House Bill No. 1180: Rep(s). Scroggs as first prime sponsor(s).

House Bill No. 1588: Rep(s). Stamps, Tidwell, Haley, Hargett, Pleasant and McAfee as prime sponsor(s).

House Bill No. 2085: Rep(s). Buck as prime sponsor(s).

House Bill No. 2284: Rep(s). Arriola as prime sponsor(s).

House Bill No. 2289: Rep(s). Haley and Pleasant as prime sponsor(s).

House Bill No. 2310: Rep(s). Caldwell, Kent, Cole(Carter), Kisber and Ferguson as prime sponsor(s).

House Bill No. 2423: Rep(s). Miller, West, Davidson and Fitzhugh as prime sponsor(s).

House Bill No. 2578: Rep(s). Windle as prime sponsor(s).

House Bill No. 2620: Rep(s). Head, Kisber and Cole(Dyer) as prime sponsor(s).

House Bill No. 2621: Rep(s). Hargett, Haley and Pleasant as prime sponsor(s).

House Bill No. 2653: Rep(s). Jackson as prime sponsor(s).

House Bill No. 2672: Rep(s). Fitzhugh and Miller as prime sponsor(s).

House Bill No. 2842: Rep(s). McKee, Towns and Miller as prime sponsor(s).

House Bill No. 2877: Rep(s). Davidson, Rinks and Ridgeway as prime sponsor(s).

House Bill No. 2909: Rep(s). Davidson and Rhinehart as prime sponsor(s).

House Bill No. 3003: Rep(s). Langster as prime sponsor(s).

House Bill No. 3083: Rep(s). Armstrong as prime sponsor(s).

House Bill No. 3085: Rep(s). Haley and Pleasant as prime sponsor(s).

House Bill No. 3134: Rep(s). Head as prime sponsor(s).

House Bill No. 3203: Rep(s). Hargett, Haley and Pleasant as prime sponsor(s).

House Bill No. 3242: Rep(s). Cole(Dyer), Cole(Carter), Armstrong, Rinks, Rhinehart, Beavers, McDonald, Fitzhugh, Sands, Davidson, McMillan, Godsey, Winningham, Davis, Huskey, L. DeBerry, Pinion, Kisber, Roach, Hargrove, McDaniel, Hargett, Newton, Goins, White and Naifeh as prime sponsor(s).

House Bill No. 3269: Rep(s). Odom as first prime sponsor(s).

House Bill No. 3306: Rep(s). White, Winningham, Davidson, Beavers, Turner(Shelby), McKee and Ridgeway as prime sponsor(s).

House Bill No. 3341: Rep(s). Bone, Kent, Cole(Carter), Caldwell, Ferguson, Pinion, Goins, Hargett and Walker(Blount) as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Kerr was/were removed as sponsor(s) of **House Bill No. 1180**.

MESSAGE FROM THE GOVERNOR March 17, 1998

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 2462, without his signature.

COURTNEY PEARRE, Counsel to the Governor.

REPORT OF CHIEF ENGROSSING CLERK
March 17, 1998

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 2229, 2801, 3374, 3375, 3376, 3377, 3378, 3379 and 3380; also, House Joint Resolution(s) No(s). 556, 557, 558, 559, 560, 562 and 563.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS
March 17, 1998

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 561, 564, 569 and 570; also, House Resolution(s) No(s). 38, 154 and 157.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
March 17, 1998

The Speaker signed the following: House Joint Resolution(s) No(s). 561, 564, 569 and 570; also, House Resolution(s) No(s). 38, 154 and 157.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR
March 17, 1998

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2676, 2924, 2941, 2950, 2987, 3038 and 3330, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

SIGNED
March 18, 1998

The Speaker signed the following: Senate Bill(s) No(s). 54, 2239, 2252, 2305, 3014 and 3088; also, Senate Joint Resolution(s) No(s). 492, 494, 495, 496, 497 and 498.

ENROLLED BILLS
March 18, 1998

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 2398, 2469, 2609 and 2685.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
March 18, 1998

The Speaker signed the following: House Bill(s) No(s). 2398, 2469, 2609 and 2685.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR
March 18, 1998

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 556, 557, 558, 559, 560, 562, 563 and 571, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE SENATE
March 18, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3017; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 18, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2943, 3372, 3382, 3383, 3384, 3385 and 3388; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 18, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2613; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 602 -- Memorials, Public Service - Expresses concern for teen suicide; commends Jason Foundation, Inc. for efforts to combat teen suicide. by *Stamps.

Children & Family Affairs Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 19, 1998:

House Resolution No. 173 -- Memorials, Personal Occasion - Mr. and Mrs. Leonard M. Dunbar, 50th wedding anniversary. by *Haley, *Pleasant.

House Resolution No. 174 -- Memorials, Recognition and Thanks - LeBonheur Children's Medical Center. by *Brooks, *DeBerry L, *Langster, *Pruitt, *DeBerry J, *Jones U (Shelby), *Miller L, *Cooper B, *Armstrong, *Turner (Shelby), *Brown, *Towns.

House Resolution No. 175 -- Memorials, Public Service - Military retirees and Dr .R.Q. Venson VFW Post 11333. by *Brooks, *DeBerry L, *Langster, *Pruitt, *DeBerry J, *Jones U (Shelby), *Miller L, *Cooper B, *Armstrong, *Turner (Shelby), *Brown, *Towns.

House Joint Resolution No. 611 -- Memorials, Professional Achievement - James Merle Crawley, Tennessee Association of Conservation Districts Distinguished Service Award. by *Stulce, *McAfee, *Wood, *Sharp, *Brown.

House Joint Resolution No. 612 -- Memorials, Heroism - Gregory A. Vandergriff, Bronze Star medal and Purple Heart recipient. by *Stulce, *McAfee, *Wood, *Sharp, *Brown.

House Joint Resolution No. 613 -- Memorials, Professional Achievement - Pat Baird, Hamblen County High School Teacher of the Year. by *Ford S.

House Joint Resolution No. 614 -- Memorials, Death - Henry Ragan. by *Jackson, *Ridgeway.

House Joint Resolution No. 615 -- Memorials, Personal Occasion - Nova Terry Phillips, 90th birthday. by *Winningham.

House Joint Resolution No. 617 -- Memorials, Professional Achievement - Meg Thornton. by *McDonald.

House Joint Resolution No. 618 -- Memorials, Death - Eulis G. Lambert. by *Goins.

House Joint Resolution No. 620 -- Memorials, Death - Fred Travis. by *Scroggs, *Wood, *McAfee, *Sharp, *Brown, *Stulce.

House Joint Resolution No. 621 -- Memorials, Personal Occasion - Ralph and Mabel Thomas, 50th Wedding Anniversary. by *Hood, *Eckles.

House Joint Resolution No. 622 -- Memorials, Congratulations. by *Hood, *Eckles.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3390 -- Fairview - Subject to local approval, authorizes levy and collection of adequate facilities tax on new development. by *Williams (Williamson), *Sargent.

House Bill No. 3391 -- Trenton - Subject to local approval, establishes salary range for city council members between \$200 and \$600 a month. Amends Chapter 551 of the Acts of 1903; as amended. by *Phelan.

House Bill No. 3392 -- Trenton - Subject to local approval, establishes salary range for mayor between \$45,000 and \$55,000 to be set by council. Amends Chapter 551 of the Acts of 1903; as amended. by *Phelan.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2103** -- Sunset Laws - Cancer reporting advisory committee, June 30, 2006. Amends TCA Title 4, Chapter 29, Title 68, Chapter 1. by *Springer.

***Senate Bill No. 2106** -- Sunset Laws - Renal disease advisory committee, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 35. by *Springer.

***Senate Bill No. 2110** -- Sunset Laws - Hemophilia advisory committee, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 41, relative. by *Springer.

***Senate Bill No. 2250** -- Teachers - Allows career level II teachers who have completed requirements for career level II as of 6/13/97, to move into career level III upon achieving required years of service. Amends TCA Title 49, Chapter 5, Part 50. by *Rochelle, *Atchley, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

***Senate Bill No. 2606** -- Unemployment Compensation - Disqualifies claimant from receiving unemployment benefits if such claimant was discharged for placing claimant's employer in violation of Fair Labor Standards Act. Amends TCA Section 50-7-303. by *Herron.

***Senate Bill No. 2755** -- Trademarks and Trade Names - Redefines "trademark" to include names, emblems or insignias of the "United States Olympic Committee" or "International Olympic Committee." Amends TCA Title 47, Chapter 25. by *Person.

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***Senate Bill No. 2872** -- Unemployment Compensation - Increases trust fund balances used to determine reserve ratio for premium rate requirements Amends TCA 50-7-403(g). by *Crutchfield, *Dixon.

***Senate Bill No. 2927** -- General Services, Dept. of - Makes authorized donees under federal surplus property program eligible for state surplus property. Amends TCA Section 12-2-403 and Section 12-4-207. by *Atchley, *Dixon.

***Senate Bill No. 3061** -- Taxes, Real Property - Revises real property tax relief for low income elderly and disabled persons. Amends TCA 67-5-702 and 67-5-703. by *Henry.

***Senate Bill No. 3069** -- Real Property - Revises disclosure form in Tennessee Residential Property Disclosure Act. Amends TCA Section 66-5-210. by *Atchley, *Gilbert.

Senate Bill No. 3284 -- Courts, General Sessions - Permits county legislative body to appoint temporary successor until interim suspension is lifted or office becomes vacant Amends TCA Section 16-15-210. by *Rochelle.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3389 -- Macon County -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **March 17, 1998**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **March 17, 1998**: House Bill(s) No(s). 2934, 2339, 3213, 2917, 3357, 3167, 2741, 3085, 3187, 3368, 3001, 2998, 2091, 3096, 3067, 2218, 2289, 2952 and 2423.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **March 23, 1998**: House Bill(s) No(s). 2672, 3223, 2080, 3352, 2338, 3203, 2951 and House Joint Resolution No. 513.

COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 3358, 2759 and 3084; also House Bill(s) No(s). 2237 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 2394, also House Bill(s) No(s). 2878 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2812 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2617, 2442, 2112, 2877, 3306, 2620 and 2883, also House Bill(s) No(s). 3139, 2906 and 2909 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 2063 and 2055, also House Bill(s) No(s). 2539, 2165, 2182, 2181, 2162, 2164, 2174, 2163, 2173, 2175 and 2145 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that House Bill(s) No(s). 1888 and 3307 be referred to the State & Local Government Committee, House Bill(s) No(s). 2118 be referred to the Conservation & Environment Committee and House Bill(s) No(s). 2424 be referred to the Education Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 3083 and 2612. Under the rules, each was transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 3016, 3241, 2262, 3048, 3049, 2629, 2210, 2035, 3066, 2885, 2356, 2357, 3131, 2954, 2408 and Senate Joint Resolution No. 397, also House Bill(s) No(s). 2272, 2903, 2838 and 2862 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2927, 2222, 2948 and 2655; also House Bill(s) No(s). 722 and 2293 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **March 18, 1998**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **March 23, 1998**: House Bill(s) No(s). 2621, 2619, 2248, 2991, 3090, 503, 2141, 3053, 2733, 2868, 3004 and House Joint Resolution No. 579.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **March 23, 1998**: House Bill(s) No(s). 3054.

CHILDREN & FAMILY AFFAIRS

The Committee on Children and Family Affairs recommended for passage: House Bill(s) No(s). 2824. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2719 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 2807, 2482 and 1122 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2907 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 1764, also House Bill(s) No(s). 2926, 2717, 2646 and 2826 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1376; also House Bill(s) No(s). 3151, 3153, 2773 and 3155 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 2599, House Joint Resolution(s) No(s). 515 and Senate Joint Resolution(s) No(s). 367, 409, 404 also House Bill(s) No(s). 3340 and 3364 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CAPTION BILLS REFERRED
March 18, 1998

Pursuant to **Rule No. 47**, the following Caption Bill(s), 89, 2405, 2716, 3242, 1579, 3335, 1180, 3134 and 3214 held on the Clerk's desk were referred to the following Committee(s):

***House Bill No. 89** -- State Government -- House Judiciary Committee

House Bill No. 2405 -- Physicians and Surgeons -- House Judiciary Committee

House Bill No. 2716 -- Medicine, Practice of -- House Health & Human Resources Committee

***House Bill No. 3242** -- DUI/DWI Offenses -- House Judiciary Committee

House Bill No. 1579 -- University of Tennessee -- House Health & Human Resources Committee

***House Bill No. 3335** -- Pharmacy -- House Judiciary Committee

House Bill No. 1180 -- Juvenile Offenders -- House Judiciary Committee

House Bill No. 3134 -- Telecommunications -- House Commerce Committee

House Bill No. 3214 -- Municipal Government -- House State & Local Government Committee

CONSENT CALENDAR

House Joint Resolution No. 600 -- Memorials, Retirement - Harold Bowie. by *Kent.

House Joint Resolution No. 601 -- Memorials, Professional Achievement - Dr. Elbert Ross, "1997 State Principal of the Year.". by *Boner.

House Joint Resolution No. 603 -- Memorials, Professional Achievement - Jacques Scarbrough, 1996-997 Humanities Outreach "Teacher of the Year.". by *Stamps.

House Joint Resolution No. 604 -- Memorials, Professional Achievement - Thomas and Betts Corp., 1998 Tennessee Quality Achievement Award. by *McKee.

House Joint Resolution No. 605 -- Memorials, Professional Achievement - Myra Byrd, Hamblen County Teacher of the Year. by *Ford S.

House Joint Resolution No. 606 -- Memorials, Professional Achievement - Diana Gresham, Hamblen County Teacher of the Year. by *Ford S.

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House Joint Resolution No. 607 -- Memorials, Recognition and Thanks - Goldie Wattenbarger. by *Newton, *Bird.

House Joint Resolution No. 608 -- Memorials, Professional Achievement - Margaret Smith Pinkelten, Caroline Allen Borum, and Amber F. Raymer, Cheathan County Teachers of the Year. by *Williams (Williamson).

House Joint Resolution No. 609 -- Memorials, Retirement - Mary Frances Stubblefield. by *Hood, *Eckles.

Senate Joint Resolution No. 506 -- Memorials, Public Service - Tamara Loren Walters. by *Cooper.

Senate Joint Resolution No. 508 -- Memorials, Death - Rosa Irene Porter George. by *Clabough.

On previous motion, House Joint Resolution No. 574 was removed from the Consent Calendar and adopted.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 2854 -- Liens - Removes right to lien if garagekeeper fails to notify rental company within 24 hours of towing vehicle; further trier of fact may infer that garagekeeper has committed offense of theft if fails to notify rental company. Amends TCA Title 55, Chapter 16, Part 1 and Title 66, Chapter 19, Part 1. by *Arriola. (*SB2791 by *Burks)

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Further consideration of House Bill No. 2854 previously considered on March 9, 1998, and reset to today's Calendar.

Rep. Arriola moved that House Bill No. 2854 be re-referred to the Finance, Ways & Means Committee, which motion prevailed.

***House Bill No. 2532** -- Election Laws - Establishes review process to secretary of state's administrative law judge rather than chancery court for county election commission. Amends TCA Section 2-12-109 and Section 2-12-209. by *Curtiss. (SB2721 by *Cooper)

Further consideration of House Bill No. 2532 previously considered on March 12, 1998, at which time the House adopted Amendment(s) No(s). 1, 2, 3, 4, 5, 6, 7 and 8 and reset to today's Calendar.

Rep. Curtiss moved that House Bill No. 2532 be passed on third and final consideration.

Rep. Windle moved adoption of Amendment No. 8 as follows:

Amendment No. 8

AMEND House Bill No. 2532 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than:

14,650
17,250
17,600
47,000

nor more than:

15,000
17,550
18,000
47,500

On motion, Amendment No. 8 was adopted.

Rep. Sargent moved adoption of Amendment No. 9 as follows:

Amendment No. 9

AMEND House Bill No. 2532 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

29,100
55,700
80,000

nor more than

29,400
56,000
83,000

On motion, Amendment No. 9 was adopted.

Rep. Pinion moved adoption of Amendment No. 10 as follows:

Amendment No. 10

AMEND House Bill No. 2532 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

7,100
31,500

nor more than

7,175
31,800

On motion, Amendment No. 10 was adopted.

Rep. Walker(Blount) moved adoption of Amendment No. 11 as follows:

Amendment No. 11

AMEND House Bill No. 2532 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

85,800

nor more than

86,100

On motion, Amendment No. 11 was adopted.

Rep. Westmoreland moved adoption of Amendment No. 12 as follows:

Amendment No. 12

AMEND House Bill No. 2532 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than one hundred forty thousand (140,000) nor more than one hundred forty-five thousand (145,000) according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 12 was adopted.

Rep. Lewis moved adoption of Amendment No. 13 as follows:

Amendment No. 13

AMEND House Bill No. 2532 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

nor more than

13,100

13,370

On motion, Amendment No. 13 was adopted.

Rep. Phelan moved adoption of Amendment No. 14 as follows:

Amendment No. 14

AMEND House Bill No. 2532 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

nor more than

40,200

40,500

On motion, Amendment No. 14 was adopted.

Rep. Sargent moved that Amendment No. 15 be withdrawn, which motion prevailed.

Rep. Eckles moved adoption of Amendment No. 16 as follows:

Amendment No. 16

AMEND House Bill No. 2532 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than one hundred eighteen thousand four hundred (118,400) nor more than one hundred eighteen thousand seven hundred (118,700) according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 16 was adopted.

Rep. McDaniel moved adoption of Amendment No. 17 as follows:

Amendment No. 17

AMEND House Bill No. 2532 by adding the following new section immediately preceding the last section and by renumbering by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than twenty-one thousand eight hundred (21,800) nor more than twenty-two thousand one hundred (22,100) according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 17 was adopted.

Rep. Rinks moved adoption of Amendment No. 18 as follows:

Amendment No. 18

AMEND House Bill No. 2532 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

nor more than

10,471

10,800

22,600

23,000

22,200

22,500

On motion, Amendment No. 18 was adopted.

Rep. Givens moved adoption of Amendment No. 19 as follows:

Amendment No. 19

AMEND House Bill No. 2532 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than:

nor more than:

6,700
44,500

6,950
45,000

On motion, Amendment No. 19 was adopted.

Rep. Jackson moved adoption of Amendment No. 20 as follows:

Amendment No. 20

AMEND House Bill No. 2532 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

nor more than

16,700
35,050

16,950
35,070

On motion, Amendment No. 20 was adopted.

Rep. Curtiss requested that House Bill No. 2532 be moved to the heel of the Calendar.

***House Bill No. 3191** -- Courts, General Sessions - Permits county legislative body to appoint temporary successor until interim suspension is lifted or office becomes vacant Amends TCA Section 16-15-210. by *McMillan. (SB3284 by *Rochelle)

On motion, House Bill No. 3191 was made to conform with **Senate Bill No. 3284**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that **Senate Bill No. 3284** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Bill No. 2316** -- Domestic Violence - Prohibits court from issuing mutual order of protection to opposing parties in domestic abuse cases, but does not preclude issuance of separate orders of protection restraining each opposing party under certain circumstances. Amends TCA Title 36, Chapter 3, Part 6. by *McMillan, *Hargrove, *Odom, *Jones, S., *Halteman Harwell, *Beavers. (SB2783 by *Burks, *Haynes)

Rep. McMillan moved that House Bill No. 2316 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2316 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 3, Part 6, is amended by adding the following as a new section:

Section 36-3-6___. Notwithstanding any other provision of this part, a court shall not have the authority to grant a mutual order of protection to opposing parties. Provided, however, nothing in this part shall preclude the judge from granting a separate order of protection to each opposing party if such judge finds that each party:

- (a) Has properly filed and served petitions for protection orders;
- (b) Has committed domestic abuse as defined by § 36-3-601(1);
- (c) Poses a continuing risk of violence to the other;

(d) Has otherwise satisfied all prerequisites for the type of order and remedies sought; and

(e) Has complied with the provisions of this part.

The provisions of this section apply only to orders of protection and shall not be construed to affect or alter other remedies that may be available to either the petitioner or respondent.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. McMillan moved that **House Bill No. 2316**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	82
Noes	7
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Bone, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones U., Kent, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Shelby), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Bird, Bowers, Cooper, Kerr, Pleasant, Towns, Walker (Blount) -- 7.

Representatives present and not voting were: Boyer, Kernell -- 2.

A motion to reconsider was tabled.

***House Bill No. 2310** -- Sentencing - Increases from Class A misdemeanor to Class D felony punishment for offense of stalking if at the time of offense there was in effect order for protection prohibiting defendant from stalking victim Amends TCA Section 39-17-315, by *McMillan, *Hargrove, *Odom, *Halteman Harwell, *Beavers, *Jones, S., *Haley, *Hargett, *Pleasant. (SB2781 by *Burks, *Kurita, *Haynes)

Rep. McMillan moved that **House Bill No. 2310** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	2
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Walker (Blount), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Cooper, Turner (Shelby) -- 2.

Representatives present and not voting were: Towns -- 1.

A motion to reconsider was tabled.

House Bill No. 2313 -- Local Education Agency - Requires majority of all members constituting board to transact all business coming before board in regular or special meetings instead of majority of quorum. Amends TCA Section 49-2-202. by *McMillan, *Davidson. (*SB2396 by *Graves, *Atchley)

Rep. McMillan moved that House Bill No(s). 2313 be reset for the Regular Calendar on March 23, 1998, which motion prevailed.

***House Bill No. 3341** -- Evidence - Permits court to allow testimony of child under 13 who is victim of abuse or sexual abuse to be taken at criminal trial of defendant by one-way closed circuit television under certain circumstances. Amends TCA Title 24, Chapter 7; Title 37 and Title 40, Chapter 35. by *Sands, *Newton, *Pleasant, *Haley, *Hargett. (SB3359 by *Jordan)

Rep. Sands moved that **House Bill No. 3341** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell,

WEDNESDAY, MARCH 18, 1998 -- SEVENTY-FIFTH LEGISLATIVE DAY

Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 3064 -- Parks, Natural Areas Preservation - Requires department of environment and conservation to create long range master plan for funding, management and development of state parks; prohibits addition of any capital projects not provided for in master plan. Amends TCA Title 11, Chapter 3. by *Odom. (*SB2711 by *Gilbert)

Rep. Odom moved that House Bill No(s). 3064 be reset for the Regular Calendar on March 26, 1998, which motion prevailed.

House Bill No. 3003 -- Alcoholic Beverages - Permits licensed hotels and restaurants to provide alcoholic beverages at catered events upon notice to commission. Amends TCA Section 57-4-101; Section 57-4-102; Section 57-4-203 and Section 57-4-301. by *Arriola. (*SB3140 by *Haynes)

Rep. Arriola moved that House Bill No(s). 3003 be reset for the Regular Calendar on March 23, 1998, which motion prevailed.

House Bill No. 2664 -- Credit Cards - Deems retail charge agreement to be signed if application or agreement signed or if charge account used by retail buyer or person authorized by buyer so long as retail buyer has received Truth-in-Lending disclosures and seller has extended credit for transaction. Amends TCA Section 47-11-104. by *Williams (Williamson). (*SB2217 by *Cooper)

On motion, House Bill No. 2664 was made to conform with **Senate Bill No. 2217**; the Senate Bill was substituted for the House Bill.

Rep. Williams moved that Senate Bill No. 2217 be passed on third and final consideration.

Rep. West requested that Consumer & Employee Affairs Committee Amendment No. 1 be moved to the heel of the Amendments.

Rep. West requested that Amendment No. 2 be moved to the heel of the Amendments.

Rep. West moved adoption of Consumer and Employees Affairs Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 2217 by deleting the word "may" in the second sentence of the amendatory language of Section 1 of the printed bill and by substituting instead the word "shall" and is further amended by deleting the words "retail buyer has received" and by substituting instead the words "seller or assignee has provided".

On motion, Amendment No. 3 was adopted.

On motion, Rep. West withdrew Consumer & Employee Affairs Committee Amendment No. 1.

Rep. West moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Williams moved that **Senate Bill No. 2217**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	90
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives present and not voting were: Cooper -- 1.

A motion to reconsider was tabled.

***House Bill No. 3304** -- Education, Dept. of - Authorizes department to develop plan to transfer all or part of state testing program from University of Tennessee to department. Amends TCA Title 49, Chapter 1. by *Whitson, *McDaniel. (SB3302 by *Atchley)

Rep. McDaniel moved that House Bill No(s). 3304 be reset for the Regular Calendar on March 26, 1998, which motion prevailed.

House Bill No. 2579 -- State Employees - Establishes 50 percent year round discount for full-time state employees on camping fees charged at state parks. Amends TCA Title 11, Chapter 3. by *Boyer. (*SB2523 by *Springer, *Williams, *Crowe)

Rep. Boyer moved that House Bill No(s). 2579 be reset for the Regular Calendar on March 26, 1998, which motion prevailed.

***House Bill No. 2390** -- Surveyors - Revises certain requirements for renewal of registration of land surveyors. Amends TCA Title 62, Chapter 18. by *Boyer. (SB2612 by *Haynes)

On motion, House Bill No. 2390 was made to conform with **Senate Bill No. 2612**; the Senate Bill was substituted for the House Bill.

Rep. Boyer moved that Senate Bill No. 2612 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Boyer moved that **Senate Bill No. 2612** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	81
Noes	2
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Cross, Curriass, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Goins, Hargett -- 2.

Representatives present and not voting were: Maddox, McDonald, West -- 3.

A motion to reconsider was tabled.

House Bill No. 3101 -- Bail, Bail Bonds - Requires person petitioning to become professional bondsman to attach affidavit containing copy of person's criminal history, if any, as maintained by local law enforcement agency. Amends TCA Title 40, Chapter 11, Part 3. by *Boyer. (*SB2617 by *Haynes)

On motion, House Bill No. 3101 was made to conform with **Senate Bill No. 2617**; the Senate Bill was substituted for the House Bill.

Rep. Boyer moved that Senate Bill No. 2617 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Odom moved the previous question, which motion prevailed.

Rep. Boyer moved that **Senate Bill No. 2617** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 91
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 2284 -- General Assembly, Directed Studies - Directs commissioner of environment and conservation to develop written report on stream bank erosion, to be delivered to general assembly by 1/15/2000. Amends TCA Title 69, Chapter 3. by *Tidwell, *Arriola. (*SB2257 by *Springer)

On motion, House Bill No. 2284 was made to conform with **Senate Bill No. 2257**; the Senate Bill was substituted for the House Bill.

Rep. Tidwell moved that Senate Bill No. 2257 be passed on third and final consideration.

On motion, Rep. Cross withdrew Conservation & Environment Committee Amendment No. 1.

Rep. Odom moved the previous question, which motion prevailed.

Rep. Tidwell moved that **Senate Bill No. 2257** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 2779 -- Insurance, Health, Accident - Revises requirements concerning overinsurance; defines "earned income" and "overinsurance." Amends TCA Section 56-26-109. by *Walker (Rhea), *Wood. (*SB2419 by *Atchley)

On motion, House Bill No. 2779 was reset to the Regular Calendar on March 26, 1998.

***House Bill No. 2520** -- Custody and Support - Makes willingness of parent to encourage child to have frequent and continuing contact with other parent most heavily weighted factor in determining custody. Amends TCA Title 36, Chapter 6, Part 1. by *DeBerry J., *Armstrong, *Burchett, *Bowers, *Bone, *Bird. (SB2828 by *Ramsey)

Further consideration of House Bill No. 2520 previously considered on March 16, 1998 and reset to today's Calendar.

Rep. J. DeBerry moved that House Bill No. 2520 be passed on third and final consideration.

Rep. Chumney moved adoption of Children & Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2520 by deleting Section 2 of the printed bill and by renumbering subsequent sections accordingly.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

On motion, Amendment No. 1 was adopted.

Rep. McMillan moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2520 By deleting the amendatory language of Section 1 of the printed bill and by substituting instead the following:

(10) Each parent's past and potential for future performance of parenting responsibilities, including the willingness and ability of each of the parents to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent, consistent with the best interest of the child.

AND FURTHER AMEND by deleting Section 2 of the printed bill in its entirety and by renumbering the subsequent section.

On motion, Amendment No. 2 was adopted.

Rep. J. DeBerry moved that **House Bill No. 2520**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 2630 -- Juries and Jurors - Increases daily allowance for board and lodging of juror from \$18.00 to \$27.00; appropriates sum sufficient for state to fund jury sequestration expenses Amends TCA Title 22, Chapter 4. by *Stamps, *McDonald, *McMillan. (*SB2371 by *Graves)

Further consideration of House Bill No. 2630 previously considered on March 16, 1998, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar.

Rep. Stamps moved that House Bill No. 2630 be passed on third and final consideration.

Rep. Kisber moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2630 by deleting Section 2 of the printed bill in its entirety and by redesignating the subsequent sections appropriately.

On motion, Amendment No. 1 was adopted.

Rep. Stamps moved that **House Bill No. 2630** as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

***House Bill No. 2516** -- Landlord and Tenant - Expands authority of district attorney to evict tenant from premises if premises or area immediately surrounding premises is being used in whole or in part to illegally sell or distribute controlled substances Amends TCA Section 66-7-107. by *Chumney. (SB2672 by *Kyle)

Further consideration of House Bill No. 2516 previously considered on March 16, 1998, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar.

Rep. Chumney moved that House Bill No. 2516 be passed on third and final consideration.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Chumney moved that **House Bill No. 2516** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 89
Noes 1
Present and not voting 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stamps, Stulce, Tidwell, Tindell, Towns, Walker (Blount), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Turner (Shelby) -- 1.

Representatives present and not voting were: Sharp -- 1.

A motion to reconsider was tabled.

***House Bill No. 3027** -- Building Commission, State - Provides that initial design approval by state architect or engineer required by building commission when cabins or similar structures being built by parks division of environment and conservation is sufficient for construction of similar structures at later date Amends TCA Title 4, Chapter 15. by *Buck. (SB3175 by *Cohen)

Further consideration of House Bill No. 3027 previously considered on March 16, 1998, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar.

Rep. Buck moved that House Bill No. 3027 be passed on third and final consideration.

Rep. Kerr moved the previous question, which motion prevailed.

Rep. Buck moved that **House Bill No. 3027** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	5
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Brooks, Brown, Buck, Burchett, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Boyer, Ferguson, Jackson, Scroggs, Windle -- 5.

Representatives present and not voting were: Caldwell -- 1.

A motion to reconsider was tabled.

House Bill No. 2496 -- Education, Higher - Increases number of minority teaching fellow positions from 106 to 116; increases maximum per year number from 29 to 35. Amends TCA Title 49, Chapter 4, Part 7. by *DeBerry L, *Langster, *Armstrong, *Miller L, *Pruitt. (*SB2542 by *Dixon, *Cohen, *Womack, *Harper)

Further consideration of House Bill No. 2496 previously considered on March 16, 1998, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar.

Rep. L. DeBerry requested that House Bill No. 2496 be moved to the heel of the Calendar.

***House Bill No. 2292** -- State Government - Requires each entity of state government, subject to requirements of Title IX of Education Amendments Act of 1972, and promulgated regulations, to develop Title IX implementation plan. by *Brooks, *Brown, *Cooper B, *Bowers, *Pruitt, *Armstrong, *Jones, S., *DeBerry L, *Langster, *Towns, *Chumney, *Kernell, *Turner (Shelby), *Miller L. (SB2468 by *Harper)

Further consideration of House Bill No. 2292 previously considered on March 16, 1998, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar.

Rep. Brooks moved that **House Bill No. 2292** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	78
Noes	2
Present and not voting	5

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Halteman-Harwell, Hargrove, Hassell, Hicks, Hood, Huskey, Jackson, Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Gunnels, Westmoreland -- 2.

Representatives present and not voting were: Godsey, Goins, McAfee, Rhinehart, Sharp -- 5.

A motion to reconsider was tabled.

***House Bill No. 2211** -- Textbooks - Raises earnest money certified check limit for publishers bidding on textbook contracts from \$2,000 maximum to \$10,000 (\$1,000 per book) and bond requirements from \$10,000 maximum to \$1,000,000. Amends TCA Section 49-6-2203. by *Boyer, *McDaniel. (SB2226 by *Eisea, *Atchley)

Further consideration of House Bill No. 2211 previously considered on March 16, 1998, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar.

On motion, House Bill No. 2211 was made to conform with **Senate Bill No. 2226**; the Senate Bill was substituted for the House Bill.

Rep. Boyer moved that **Senate Bill No. 2226** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	91
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

***House Bill No. 2532** -- Election Laws - Establishes review process to secretary of state's administrative law judge rather than chancery court for county election commission. Amends TCA Section 2-12-109 and Section 2-12-209. by *Curtiss. (SB2721 by *Cooper)

Further consideration of House Bill No. 2532 previously considered on today's Calendar, at which time the House adopted Amendment(s) No(s). 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20.

Rep. Curtiss moved that House Bill No(s). 2532 be reset for the Regular Calendar on April 1, 1998, which motion prevailed.

House Bill No. 2496 -- Education, Higher - Increases number of minority teaching fellow positions from 106 to 116; increases maximum per year number from 29 to 35. Amends TCA Title 49, Chapter 4, Part 7. by *DeBerry L, *Langster, *Armstrong, *Miller L, *Pruitt. (*SB2542 by *Dixon, *Cohen, *Womack, *Harper)

Further consideration of House Bill No. 2496 previously considered on today's Calendar.

On motion, House Bill No. 2496 was made to conform with **Senate Bill No. 2542**; the Senate Bill was substituted for the House Bill.

Rep. L. DeBerry moved that Senate Bill No. 2542 be passed on third and final consideration.

Rep. Davidson moved the previous question, which motion prevailed.

Rep. L. DeBerry moved that **Senate Bill No. 2542** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	81
Noes	0
Present and not voting	5

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bone, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 81.

Representatives present and not voting were: Boyer, Dunn, Goins, Sargent, Stamps -- 5.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1740** -- Litter Control - Establishes mandatory minimum fines for litter violations and reward program from proceeds of fine Amends TCA Title 4, Chapter 7, Part 3; Title 39, Chapter 14, Part 5; Title 69, Chapter 10, Part 2 and Title 71, Chapter 3, Part 5. by *Head. (SB1908 by *Burks, *Kurita, *Miller J)

Senate Amendment No. 1

AMEND House Bill No. 1740 by deleting in Section 2 of the printed bill the figure "1997" and by substituting instead the figure "1998".

Rep. Head moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1740**, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 390** -- Driver Licenses - Deletes requirement that medically impaired person qualifying for commercial driver license be regularly employed driver of commercial motor vehicle for three continuous years prior to April 30, 1990. Amends TCA Title 55, Chapter 40. by *Windle. (SB855 by *Burks)

Senate Amendment No. 1

AMEND House Bill No. 390 By deleting from Section 1 of the printed bill the language "subdivision (3) in its entirety" and substituting instead the language "subdivisions (3) and (4) in their entirety".

Rep. Windle moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 390**, which motion prevailed by the following vote:

Ayes	84
Noes	6
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 84.

WEDNESDAY, MARCH 18, 1998 -- SEVENTY-FIFTH LEGISLATIVE DAY

Representatives voting no were: Chumney, Dunn, Goins, Hargett, Kernell, Sargent -- 6.

Representatives present and not voting were: Caldwell, Towns -- 2.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILL RECALL REQUESTED

Rep. Kisber moved that Senate Bill No. 43 be recalled from the Senate and placed on the next available Calendar, which motion prevailed.

**ENGROSSED BILLS
March 18, 1998**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 574, 600, 601, 603, 604, 605, 606, 607, 608, 609 and 610.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS
March 18, 1998**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2292.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS
March 18, 1998**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2310, 2316, 2516, 2520, 2630, 3027 and 3341.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
March 18, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1662, 2064, 2211, 2224, 2255, 2595, 2601, 3015, 3016, 3019, 3085 and 3139; also, Senate Joint Resolution(s) No(s). 499, 504, 510 and 511 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 18, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2398, 2469, 2609 and 2685; also, House Joint Resolution(s) No(s). 561, 564, 569 and 570; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 18, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2101, 2104, 2107, 2111, 2225, 2796, 2914, 3105, 3167 and 3304; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 2101** -- Sunset Laws - Genetic advisory committee, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 5. by *Springer.

***Senate Bill No. 2104** -- Sunset Laws - Interagency council on osteoporosis, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 1. by *Springer.

***Senate Bill No. 2107** -- Sunset Laws - Traumatic brain injury advisory council, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 55. by *Springer.

***Senate Bill No. 2111** -- Sunset Laws - Advisory committee for children's special services, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 12. by *Springer.

Senate Bill No. 2225 -- Administrative Procedure - Redefines "rule" to exclude statements concerning inmates of correctional or detention facility. Amends TCA Title 4, Chapter 5, Part 1. by *Fowler, *Atchley.

***Senate Bill No. 2796** -- Tennessee Housing Development Agency - Permits use of agency assets fund to support bond and loan programs of Tennessee Industrial Finance Corporation. Amends TCA Title 4, Chapter 17, Part 4. by *Rochelle, *Dixon.

Senate Bill No. 2914 -- Memorials, Government Officials - Directs state coordinating council on domestic violence to promulgate regulations by 7/1/99, for batterers' intervention programs for perpetrators of domestic abuse and certify compliance with such regulations. Amends TCA Title 38, Chapter 12. by *Graves, *Harper.

***Senate Bill No. 3105** -- Driver Licenses - Prohibits department of safety from imposing reinstatement fee to first time applicant who is minor. Amends TCA Section 55-50-321. by *Cooper.

***Senate Bill No. 3167** -- District Attorneys - Allows service credit for prior experience as district public defender or assistant district public defender for purpose of determining appropriate compensation level of assistant district attorney general. Amends TCA Title 8, Chapter 7, Part 2. by *Davis L, *Herron.

Senate Bill No. 3304 -- Taxes, Sales - Redefines "industrial machinery" for purposes of sales and use tax. Amends TCA 67-6-102. by *Atchley, *Leatherwood, *Cooper, *Elsea, *McNally, *Crowe.

MESSAGE FROM THE SENATE
March 18, 1998

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 43, as requested.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 93

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

RECESS MOTION

On motion of Rep, Hargrove, the House recessed until 9:00 a.m., Thursday, March 19, 1998.